

Approved Date: April 24, 2009

By: Wayne Lige
Office of the City Attorney



**City of
Norfolk**

Prescribed Date: 5/8/09

By: [Signature]
City Manager/Director of Public Safety

Departmental General Order OPR-320
Norfolk Police Department

Subject: Driving Under the Influence (DUI)

Office of Preparation: Strategic Management

Supersedes:

1. G.O. 88-001, dated April 5, 2006
2. Any previously issued directive conflicting with this order

Related Directives:

1. G.O. ADM-410: Property and Evidence
2. G.O. ADM-420: Virginia Uniform Summons
3. G.O. OPR-310: Accident Investigation
4. G.O. OPR-340: Towing
5. G.O. OPR-425: Interrogations
6. G.O. OPR-720: Juveniles
7. G.O. OPR-730: Court Appearances

Order Contents:

- I. Development of Probable Cause in DUI Cases
- II. Field Screening
- III. Miranda Warnings
- IV. Breath and Blood Testing
- V. Refusal to Take Blood or Breath Tests
- VI. DUI and Related Charges
- VII. DUI Reports and Forms
- VIII. Court Appearances
- IX. Boating Under the Influence (BUI)
- X. DUI/BUI Reimbursement Program

Attachments:

- A. PD 664, DUI Arrest Report
- B. DC 233, Declaration and Acknowledgment of Refusal - Blood Breath
- C. DFS-70-018, Certificate of Blood Alcohol Analysis
- D. Division of Forensic Science, Request for Laboratory Examination
- E. PD 663, DUI Forms Check-Off List
- F. PD 665, Request for Sargent's Material

- G. PD 924, Norfolk Police Department Impoundment of Motor Vehicles
- H. DC-311, Criminal Complaint Form
- I. DC-201, Notice of Administrative Suspension of Driver's License/Driving Privilege
- J. PD 935, DUI/BUI Reimbursement Form



Bruce P. Marquis
Chief of Police

BPM/sm

Purpose

The purpose of this order is to outline the procedures for handling cases involving driving under the influence (DUI) or boating under the influence (BUI) of alcohol or drugs.

I. Development of Probable Cause in DUI Cases

- A. Every vehicle stop has the potential to develop into a DUI case. Therefore, an officer's collective observations will determine the officer's best course of action, and these observations will serve as the basis for establishing probable cause. Essentially, a charge of DUI requires the support of two basic observations:
 - 1. The suspect was operating a motor vehicle in the City of Norfolk, and
 - 2. The suspect was under the influence of alcohol and/or drugs while operating the vehicle.
- B. As soon as possible after making an arrest for DUI, officers will complete PD 664, DUI Arrest Report, Attachment A, to record pertinent information pertaining to the arrest and to document testing procedures. Officers are required to answer all questions and/or fill-in all blanks on this form as applicable, and to make detailed notes of pertinent observations from the initial encounter with the suspect vehicle through the point of arrest or summons.
- C. All applicable steps and paperwork for DUI specified in this order will be followed and/or completed for juveniles. If the juvenile can be turned over to a parent or guardian, they may be released on a summons. If a parent or guardian is not available to take custody of the juvenile, follow the procedures in G.O. OPR-720: Juveniles, to obtain DUI and Child in Need of Services (CHINS) petitions.

II. Field Screening

A. Standardized Field Sobriety Test

Field sobriety tests are screening procedures used to assist the officer in determining the necessity for a blood or breath test or both. If an officer suspects that a vehicle operator is DUI, the officer may request that the operator attempt any or all of the standardized field sobriety tests (SFST).

Officers should only employ testing methods that a sober person of similar physical abilities as the testee could reasonably be expected to accomplish. To administer the test, the officer will precisely instruct the operator of what he/she is expected to do and direct them not to proceed until so ordered.

1. Horizontal Gaze Nystagmus (HGN). Only those officers who have successfully completed SFST School may testify to the results of HGN in court.
2. Walk and Turn Test
3. One Leg Stand Test

B. Non-Standardized Field Sobriety Testing

Although not certified as standard field sobriety testing methods, officers may use the following tests to help determine if a vehicle operator is sufficiently impaired to be charged with DUI:

1. Nose touch
2. Reciting Alphabet

C. Preliminary Breath Test (PBT). The PBT, often referred to by the brand name "Alcosensor," is a screening device to assist the officer in determining the necessity for a breath test, blood test, or both. The taking of the PBT is not mandatory, and the test results are not admissible in court unless testified to during cross-examination by the defense. Officers will only testify that they "complied with the law" concerning preliminary breath testing (refer to State Code §18.2-267).

1. Procedures

a. The arresting officer must advise the vehicle operator of the following:

- (1) The operator has the right to take or refuse the PBT.
- (2) The results of the PBT cannot be used as evidence in court for DUI or driving after underage consumption.
- (3) Refusal to take the PBT cannot be used as evidence in court.
- (4) The PBT is a screening device and not a substitute for a breath or blood test.

b. If the vehicle operator elects to take the PBT, the arresting officer will adhere to the following procedure:

- (1) To ensure all alcohol has dissipated from the subject's

mouth, the officer conducting the test must continually observe the subject for a period of 15 minutes prior to testing (this time may be used to administer the field sobriety test).

(2) The officer will administer the test according to the manufacturer's suggested procedures for the specific device used. The officer will enter the results of the test on the PD 664.

(3) The operator has a statutory right to know, and may observe the testing procedures and the results of the test. See State Code, §18.2-267.

c. If the vehicle operator declines to take the PBT and is subsequently arrested, the officer will observe the following procedure:

(1) The testing officer will note the vehicle operator was afforded the opportunity to take the PBT.

(2) At trial, the arresting officer should only testify that the defendant was informed of his/her rights under Virginia law and that the officer "complied with the law." Information concerning the taking, the refusal to take, or the test results of the PBT is inadmissible.

d. In the case of a subject who is under the age of 21 and has consumed alcoholic beverages, a reading between 0.02 and 0.08 is probable cause to have the subject submit to a breath or blood test for a charge of City Ordinance 25-251.1, Persons under age 21 driving after illegally consuming alcohol; penalty.

2. Command Responsibilities—Commanding officers will ensure that officers required to use a PBT device are proficient in its operation and use and that the procedures set forth in this order are followed. Command representatives trained in the operation and calibration of PBT devices will have the additional duty of assisting with PBT training and calibrations.

3. Documentation and Calibration

a. Command representatives will calibrate PBT devices according to the following schedule:

- (1) Every 30 days, or every 30 tests, whichever occurs first.
 - (2) If the PBT device is used ten times within a twelve-hour period
 - (3) After a "positive test" given for administrative purposes as outlined in Section II, C.4 of this order.
 - b. Commands will maintain a log of calibrations which lists the PBT identifying number, date of calibration, name of the person conducting the calibration and the reason for the calibration.
4. Administrative Use of the PBT
5. Administrative Use of the Breathalyzer

At no time will the Breathalyzer be used for administrative purposes. The Breathalyzer is used only for processing of DUIs under State Code § 18.2-268.9, or corresponding city ordinance.

III. Miranda Warnings

If the results of the PBT and/or the field sobriety test establish probable cause to believe the suspect is DUI, the officer will proceed with questioning/interrogation as set forth in G.O. OPR-425: Interrogations. A PBT reading below 0.08 should not cause the officer to disregard other observations or coordination test results that would indicate that the operator is impaired. Miranda warnings are required only when an officer takes a suspect into custody and further interrogation is required. Officers will ensure that before further interrogation a suspect is advised of his/her rights in accordance with the provisions of G.O. OPR-425: Interrogations.

IV. Breath and Blood Testing

- A. In accordance with State Code § 18.2-268.2 and 18.2-268.3 and corresponding City Ordinance 25-253, arresting officers must read the paragraph entitled "Information About Consequences of Refusal" from a DC233, Declaration and Acknowledgment of Refusal – Breath/Blood Test, Attachment B, to subjects arrested for DUI.
- B. Officers are not required to obtain an arrest warrant or present the operator to a magistrate for a violation of State Code § 18.2-266 or City Ordinance 25-251

prior to administering a breath or blood test. A parent or guardian is not required to be present when conducting a breath test on a juvenile.

C. Any person arrested for driving under the influence that consents to testing will be given a breath test except as noted in paragraph D.

1. If the breath test is conducted, the subject has the right to observe the process of analysis, see the blood alcohol reading, and shall be provided the green copy of the Certificate of Blood Alcohol Analysis DFS-70-018, Attachment C, that has the results printed on the form.
2. Even if a person submits to a breath test, that person may also be required to submit to a blood test to determine the drug content of his/her blood, if the officer has reasonable cause to believe the person was driving under the influence of any drug or combination of drugs, or the combined influence of alcohol and drugs. Refer to State Code § 18.2-268.2 (C).

D. A blood test will be administered if:

1. The breath test is unavailable.
2. The officer has reasonable cause to believe the person was driving under the influence of any drug or combination of drugs or the combined influence of alcohol and drugs.
3. The person is physically unable to take the breath test.

If the officer elects the blood test, he or she must be prepared to testify in court concerning why the breath test was unavailable.

E. Blood test procedures.

1. Obtain a sealed box containing the tubes, instructions and labels for blood samples from the Patrol Divisions or the Warrant Office. The box should be opened by the person drawing the sample.
2. Only a physician, registered nurse, licensed practical nurse, phlebotomist, graduate laboratory technician, or a court-designated technician or nurse acting upon the recommendation of a licensed physician is authorized to withdraw blood. If possible, the arresting officer will observe the blood withdrawal procedures. The person taking the sample will complete and attach the pre-numbered certificate of blood withdrawal to each vial of blood.

3. Once taken, the blood sample (two separate vials) will be placed in the appropriate container provided by the Division of Forensic Science (DFS) and sealed by the person taking the sample. The arresting or accompanying officer will take possession of the container, affix pre-postage to the container that can be obtained from the Police Operations Center or Warrant Office, and promptly mail it noting the time and location on the PD 664.
4. State Code § 19.2-187.02 provides that a blood alcohol test taken in a hospital emergency room as part of the pre-medical treatment process is admissible as a hospital business record in a prosecution for driving under the influence. Such blood alcohol tests are not considered confidential medical records and anyone who takes blood, conducts tests or offers testimony is immune from civil liability for breach of confidentiality or unauthorized release of medical records. Officers should note on the PD 664 that a blood alcohol test as part of the pre-medical treatment process was performed by the hospital. The Commonwealth's Attorney will subpoena these records as deemed appropriate.
5. A Division of Forensic Science, Request of Laboratory Examination, Attachment D, only needs to be completed and included, if the officer has reasonable suspicion the suspect was driving under the influence of drugs, or a combination of alcohol and drugs. The lab will first test the blood sample for alcohol content. If the content is .08 or higher no further testing will be conducted. If the sample may be tested for drugs as well as alcohol, place the lab request and the container in an envelope, place a biohazard label on the outside of the envelope, affix the pre-paid postage to the envelope and promptly mail it noting the time and location on the PD 664.
6. If asked, inform defendants that they, or their attorney, will need to contact DFS if they wish to pursue an independent analysis of the blood sample.

F. Filing Breath and Blood Analysis Results

State Code § 19.2-187 requires that a certificate of analysis be filed in the clerk of court's office seven calendar days before the hearing date.

1. Officers will document the results of breath tests on a Certificate of Blood Alcohol Analysis DFS-70-018, Attachment C. The arresting officer will distribute the completed form as follows:
 - a. The white original will be attached to the warrant for DUI for filing with the clerk of court. If a juvenile is charged with DUI and

summons is issued, the white original Certificate of Blood Alcohol Analysis must be filed with the clerk of court no later than seven calendar days before the hearing date. It is the arresting officer's responsibility to file this document.

- b. The green copy is given to the defendant.
 - c. The yellow copy is forwarded to Central Records Division (CRD). The defendant is required to sign the yellow copy indicating he/she received a copy of the test results.
 - d. The pink copy is the arresting officer's copy.
- 2. Since state code does not require notarization of the breath analysis, the officer conducting the test is not required to swear before a magistrate to the facts contained on the Certificate of Blood Alcohol Analysis.
 - 3. For a blood test, the certificate of analysis of the blood sample will be provided directly to the court noted on the pre-numbered certificate of blood withdrawal. Prior to trial, the paralegal from the Commonwealth's Attorney's Office preparing the case files for the prosecutor, will verify the certificate is in the court's possession.

V. Refusal to Take Breath or Blood Tests

A. Refusal is defined as:

- 1. Unreasonably declining to submit to breath and/or blood testing.
- 2. Behavior that makes blood and/or breath testing impossible. Refusing to sign the hospital's waiver is reasonable grounds to charge a suspect with refusal to take the blood test.

B. If a person, after having been arrested for DUI of a motor vehicle refuses testing as defined above, the arresting officer will document the refusal on a DC 233, Declaration and Acknowledgement of Refusal – Breath/Blood Test, Attachment B, then no test shall be given even though the operator may thereafter request one. At this point, the defendant should be charged with refusal and DUI. If the defendant was transported to a medical facility, the arresting officer, at the medical facility, will use a DC 233 to document a refusal. The officer may in lieu of securing a warrant then issue a summons for refusal citing City Ordinance 25-253.

C. If a person, after having been arrested for DUI of commercial vehicle or boating under the influence (BUI), unreasonably refuses to submit to a breath and/or

blood test after having been informed about the consequences of refusal must take the subject before a magistrate. The magistrate will then explain the consequences of refusing to submit to a breath and/or blood test. If the accused still refuses, then the subject may be charged with refusal.

VI. DUI and Related Charges

- A. If the Blood Alcohol Content (BAC) of a suspect is greater than or equal to 0.08, they should be charged with a violation of City Ordinance 25-251 DUI of alcohol. If the BAC is less than 0.08 but equal to or greater than .05, there is no presumption regarding the influence of alcohol. However, the officer may still charge the operator with DUI of alcohol and/or self administered drugs if there is other evidence that indicates the impairment, (e.g., appearance, conduct, performance on field sobriety test(s), etc.).
- B. In order to obtain a conviction of second or subsequent DUI, the prosecution must introduce evidence that the defendant was (1) convicted of prior DUI(s), and (2) represented by counsel or waived the right to counsel at the time of the prior DUI trial(s). *Sargent v. Commonwealth*, 5 Va. App. 143, 360 S.E.2d 895 (1987).
 - 1. Department personnel will adhere to the following procedures when handling second or subsequent DUI. To substantiate the existence of a prior conviction, the arresting officer must produce at trial either a certified true copy of a waiver form, a court disposition sheet, a docket sheet, or any other documents that show the defendant was represented by counsel, or waived counsel, and was convicted of DUI.
 - 2. If at the time of the arrest the officer is unable to determine whether the arrestee has prior DUI convictions, the officer will investigate the defendant's record as soon as possible after the arrest. If the officer discovers additional DUI convictions, he/she will obtain the required documentation and contact the Commonwealth's Attorney's Office for assistance in amending the charge before the trial in District Court.
 - 3. A third offense DUI is classified as a Class 6 felony if committed within ten years and will require a felony folder to be completed by the arresting officer. Third offense DUI violations will be charged under state code.
- C. An individual under age 21 whose BAC is between .02 and .08 will be charged under City Ordinance 25-251.1, Persons under age 21 driving after illegally consuming alcohol; penalty.
- D. An individual whose license is suspended or revoked or restricted due to DUI related offenses will be charged under City Code 25-257, Driving After Forfeiture of License.

- E. An individual who refuses to take a breath or blood test to determine the amount of alcohol/drugs in their system shall be charged with a violation of City Ordinance 25-253, Use of chemical test to determine alcohol or drug content of blood; procedure; qualifications and liability of persons withdrawing blood; costs; evidence; suspension of license for refusal to submit to test.
- F. When an individual charged with DUI was transporting a person(s) 17 years of age or younger, they shall receive additional fine(s) and a mandatory minimum sentence in accordance with the provisions in City Code 25-255, Penalty for driving while intoxicated, section (3). This additional violation must be included on the DC-311, Criminal Complaint Form, Attachment H, at the time a defendant is charged with DUI.
- G. An individual operating a commercial motor vehicle whose BAC is .04 or greater will be charged with a violation of State Code § 46.2-341.24, Driving a commercial motor vehicle while intoxicated, etc.
- H. An individual operating a boat or other watercraft whose BAC is .08 or greater will be charged with a violation of State Code § 29.1-738, Operating boat or manipulating water skis, etc., in reckless manner or while intoxicated, etc.
- I. If the operator is not charged with DUI, the officer should issue the operator a summons for the violation that prompted the initial stop.

VII. DUI Reports and Forms

- A. Complete a PD 663, DUI Forms Check-off List, Attachment E, for your records and to ensure all reports and forms are completed.
- B. In all DUI cases, the arresting officer will make a computerized inquiry of the defendant's driving records through the Department of Motor Vehicles (DMV) for Virginia and their state of residence/licensing if other than Virginia. If the DMV record indicates a previous Virginia DUI conviction or convictions, the officer will request/print a certified copy of the defendant's driving record. They will also complete a PD 665 Request for Sargent's Material, Attachment F, and turn it in to Central Records Division (CRD). The arresting officer will appropriately charge the defendant. If the driver's record for any other state indicates a previous DUI, a copy of the transcript will be requested and the out-of-state DUI will be noted on the PD 664. The Commonwealth's Attorney's Office will review relevant state codes, determine if second or subsequent offense DUI charges will be filed in Norfolk, obtain relevant court records from the other state, and assist with dismissing the initial first offense DUI charges.

- C. If the defendant's driving privileges are suspended for DUI related offenses, or habitual offender DUI related offenses, or currently administratively suspended for DUI, the officer shall complete the PD 924, Norfolk Police Department Impoundment of Motor Vehicles, Attachment G. The arresting officer shall impound or immobilize the vehicle for thirty days according to G.O. OPR-340: Towing.
- D. Officers are required to complete a DC-311, Criminal Complaint Form, Attachment H, when charging a defendant with DUI. This form should also contain information substantiating second or subsequent offense allegations or other related DUI charges such as the transportation of minors. Officers should retain a copy for their records.
- E. Officers are required to complete a PD 551, Virginia Uniform Summons when they charge a defendant with DUI. G.O. ADM-420: Virginia Uniform Summons contains related information on summons preparation and routing. Defendants are not required to sign the summons; instead, the officer will write **ARRESTED** in the space for the defendant's signature. Officers will follow the procedures in G.O. OPR-730: Court Appearances, for scheduling court dates. Officers will leave the court date blank and will complete and attach PD 934, Warrant Information Supplement indicating their next available court dates. The top two copies of the summons, "Court Copy" and "DMV Copy," go with the executed warrants to the magistrate, the yellow copy, "Defendant Copy," will be given to the arrestee, and the officer should retain the "Officer Copy" "or his/her files. The copy labeled "Central Records" goes to the Central records Division (CRD).
- F. A driver's license shall be administratively suspended immediately if the driver:
1. Is charged with DUI and has a breath test with a result of 0.08 or higher.
 2. Is charged with refusal.
 3. Is charged as an operator under age 21 driving after illegally consuming alcohol substantiated by a breath test result of 0.02 or higher.
- G. When administratively suspending a driver's license, officers are required to complete a DC-201, Notice of Administrative Suspension of Driver's License/Driving Privilege Form, Attachment I, submit it to the magistrate, and send a teletype from CRD to DMV notifying them of the suspension. No administrative suspension will be executed when a blood test is performed as the sole chemical test.
1. The original DC-201 is given to the magistrate along with any Virginia Driver's license the defendant may have at the time.

2. A copy is given to the defendant.
 3. The arresting officer retains the third copy.
 4. The teletype must be sent to DMV via CRD within one hour of the administrative suspension being issued.
- H. Officers will submit a witness subpoena request for the person drawing the sample for a blood test, and may subpoena accident victim(s) or witness (es) that can establish the time of the accident and identify the driver being charged with DUI. Officers transporting defendants from the hospital after charges have been secured and breath technicians, unless they are needed to substantiate a refusal charge, do not have to be subpoenaed to court.
- I. Officers will forward copies of pertinent paperwork to the Commonwealth's Attorney's Office within three working days of the officer's receipt of all the necessary documentation.
- J. If the officer has not received the requested documentation by the scheduled court date, he/she will contact the Commonwealth's Attorney's Office to coordinate a continuation of the case to the officer's next regularly scheduled court date.
- K. Upon receiving the PD 665 from the arresting officer, CRD will check the defendant's driving record and ascertain the court of record for each previous Virginia DUI conviction. CRD will forward to each identified Virginia court of record a request seeking the appropriate documentation to establish the DUI conviction for use in Norfolk's pending case. Upon receipt of the requested documentation, CRD will forward it to the arresting officer. Court records from out-of-state prior DUI convictions will be requested by the Commonwealth's Attorney's Office if they determine to pursue second or subsequent offense DUI charges.

VIII. Court Appearances

Arresting officers are not required to appear in court on the next court day following a DUI arrest as long as the officer's next court date is properly noted in accordance with G.O. OPR-730: Court Appearances on a PD 934, Warrant Information Supplement, that is attached to the warrant. However, if at the time of arrest the defendant is charged with first offense DUI and subsequent information indicates prior convictions exist, the officer will appear in court the next day and request the case be continued due to the new information. The officer will then contact the Commonwealth's Attorney's Office to coordinate filing second or subsequent offense charges, and completing any additional paperwork/forms related to the case.

IX. Boating Under the Influence (BUI)

Officers will handle boating under the influence (BUI) in accordance with State Code § 29.1-738, following the procedures in this order. Members of the Harbor Patrol encountering a vessel where they suspect the operator of being under the influence of alcohol, drugs or a combination of alcohol and drugs will board and take control of the vessel or direct the boat's operator to the nearest dock. SFST that require balance testing should not be given on the boat, but given once the subject is on land. If an arrest is made the vessel will be docked at the closest available docking or the vessel may be turned over to another non-intoxicated individual at the owner's/operator's request.

X. DUI/BUI Reimbursement Program

A. The DUI/BUI Reimbursement Program allows the Norfolk Police Department to assess fees of not more than \$1,000.00 on individuals convicted of an accident/incident related DUI/BUI for reasonable expenses incurred by public safety during the arrest.

1. Any type of accident/incident, whether intentional or not, that results in any damage and yields a DUI/BUI arrest is subject to the provisions of the reimbursement program.
2. DUI/BUI arrests based on the observation of an operator's unsafe operation of their vehicle (e.g., swerving, unsafe lane changes, disregarding traffic signals, etc.) do not qualify for the reimbursement program.

B. The Central Records Division (CRD) is responsible for billing persons convicted of accident/incident related DUI/BUI.

1. In DUI/BUI cases meeting the reimbursement criteria, the arresting officer will complete a PD 935, DUI/BUI Reimbursement Form, Attachment J.
2. A copy of the completed form will be forwarded to CRD.
3. The arresting officer will retain the original form to record General District Court disposition information as follows:
 - a. If the case is dismissed, the officer indicates dismissal on the form and forwards to CRD.
 - b. If the defendant is convicted of DUI/BUI, the officer will note the conviction date on the form.

- c. The arresting officer will check with the General District Court Clerk ten days after the conviction for filing of an appeal.
 - d. If the defendant does not note an appeal, the officer will forward the form to CRD.
 - e. If the defendant does note an appeal, the arresting officer will submit the original form to the City Attorney's Office.
- 4. For cases appealed to the Circuit Court, the City Attorney's Office will notify CRD of dispositions via the submitted original form.
 - 5. Upon receipt of the original form containing dispositions, CRD will close the file.
 - 6. The Central Records Division is responsible for billing invoices, and receiving and posting payments. Invoices not paid after 30 days from receipt by the defendant will be turned over to the City Attorney's Office for collection.

Norfolk Police Department
D. U. I. Arrest Report

Arresting Officer: _____ Rank: _____ Cont. Num. _____ Duty Station: _____

In the City of Norfolk on (date) _____ at (time) _____ I stopped a

Color _____ Year _____ Make of Vehicle _____ Type _____ Model _____

License _____ State _____ Year _____

I first observed the vehicle at _____ (time) on _____ (date).

During the observation period, I observed the vehicle _____

I stopped the vehicle at _____ (location).

As the driver stopped, I observed _____

The driver was (name) _____ Race: _____ Sex: _____

Address: _____ City/State: _____

DOB: _____ SOC: _____ Op. Lic#: _____ State: _____

Statement of the driver: _____

Standard Questions:

How much have you had to drink, what and when? _____

Coming from/Going to? _____

Is there anything medically wrong with you? _____

Are you taking any medications? _____

Have you used any drugs? _____

My first observation at an accident scene. (Location and Direction) _____

I verified the accident occurred at _____ (time) by **(how verified, subpoena if by witness)** _____

I verified that the defendant was the driver **(how verified, subpoena if by witness)** _____

I verified that the defendant had consumed no alcoholic beverages since the accident. **(how verified, subpoena if by witness)** _____

I observed: (circle as appropriate)

Speech: Slurred, Incoherent, Hysterical, Shouting, other: _____

Odor of alcoholic beverage: Strong, Faint, other: _____

Eyes: Bloodshot, Watery, Glassy, other: _____

Face: Flushed, Pale, other: _____

Ability to walk: Swaying, Stumbling, Falling, other: _____

Ability to stand: Swaying, Falling, Leaning on objects for support, other: _____

Attitude: Cooperative, Fighting, Abusive Language, Crying, other: _____

Subject wearing glasses: Yes, No

Horizontal Gaze Nystagmus:

☐ Lack of smooth pursuit ☐ Nystagmus at Max Deviation ☐ Nystagmus prior to 45 degrees

Walk and Turn: _____

One Leg Stand: _____

Other tests (if any): _____

Comments (if any): _____

I complied with Virginia State Code 18.2-267/City Code 25-252 (Preliminary Breath Test)

(Do not testify to results unless defendant's attorney asks for them.) Results: _____

I advised the defendant he/she was under arrest at _____ for being in violation of 18.2-266 SC/25-251 CC

At _____ (time) I read the defendant the information about the consequences of refusal from the DC 233.

I then gave the subject his/her Miranda warnings at _____ (time)

The defendant ☐ agreed ☐ refused to take a ☐ breath ☐ blood test. If refused at _____ (time)

BREATH TEST ONLY:

Operator _____ Card # _____ Expires _____

Location the test was administered _____ Time _____

Results _____ grams per 210 Liter of Breath

BLOOD TEST ONLY (to be completed by the person drawing blood):

Name of the Physician, Registered Nurse or Graduate Laboratory Technician drawing blood:

Card # _____ Expires _____

Location blood drawn _____ Time _____

The integrity seal was intact prior to opening the container _____ Initials

Cleansed part of the subject's body for blood sample using
soap and water or an approved sterile solution _____ Initials

Opened the sealed syringe and needle package _____ Initials

Withdrew blood and placed 10cc in each vial _____ Initials

Printed required information on gummed labels
and placed labels on each vial _____ Initials

Corked, sealed and labeled each vial _____ Initials

Verified information and initialed both vials _____ Initials

Placed both vials in the shipping box _____ Initials

Sealed the box and placed my initials on the box _____ Initials

To be completed by the arresting officer:

I placed the box in a U. S. Mailbox at _____ on (date) _____ at _____ hours

I then completed the Criminal Complaint form DC 311, Request Witness Subpoena form DC 325 and sent with warrants.

Magistrate issued DUI warrant at _____ hours. Warrant executed at _____ hours.

I then issued the Virginia Uniform Summons for the subject. (The top two copies given to the magistrate.)

The subject was issued an Administrative Suspension of Driver's License/Privilege notification form.

I then notified Central Records to send a teletype to DMV for the administrative suspension.

(As required) I completed a PD 665 Request for Sargent's Material form and turned it in to Central Records.

**DECLARATION AND ACKNOWLEDGMENT OF REFUSAL — BREATH/BLOOD TEST
(MOTOR VEHICLES GENERALLY)**

Commonwealth of Virginia Va. Code § 18.2-268.3

INFORMATION ABOUT CONSEQUENCES OF REFUSAL

The Code of Virginia provides that if you, whether licensed by Virginia or not, operate a motor vehicle upon a highway in the Commonwealth and are arrested for a drug or alcohol-related driving offense in violation of §§ 18.2-51.4, 18.2-266, 18.2-266.1 or 18.2-272 (B) or of a similar ordinance if arrested within three hours of the alleged offense, you shall be deemed to have agreed, as a condition of such operation, to consent to have a sample of breath, blood, or both breath and blood taken for chemical testing to determine the alcohol and/or drug content of your blood. You shall submit to a breath test. If the breath test is unavailable or you are physically unable to submit to the breath test, a blood test shall be given. If the arresting officer has reasonable cause to believe that you were driving under the influence of drugs or a combination of drugs and alcohol, you may be required to allow the taking of a blood sample for chemical testing to determine the drug content of your blood, even if a breath sample was previously provided.

If you refuse to permit the taking of a required sample of breath, blood, or both breath and blood, and your refusal is unreasonable, your refusal constitutes a separate offense. A first offense of refusal to permit the taking of breath, blood, or both breath and blood samples is a civil offense. Subsequent offenses of refusal to permit the taking of breath samples are criminal offenses.

A finding of a first offense of unreasonable refusal shall result in the revocation of your privilege of operating a motor vehicle upon the highways of the Commonwealth for a period of one year. This suspension period is in addition to the suspension period provided under § 46.2-391.2.

A conviction of unreasonable refusal to permit the taking of breath samples within 10 years of a prior conviction of driving while intoxicated or unreasonable refusal will result in finding you guilty of a Class 2 misdemeanor, which is punishable by confinement in jail for not more than six months and a fine of not more than \$1,000, either or both, and will also result in the court suspending your privilege to drive for a period of three years.

A conviction of unreasonable refusal to permit the taking of breath samples within 10 years of any two prior convictions of driving while intoxicated or unreasonable refusal will result in finding you guilty of a Class 1 misdemeanor, which is punishable by confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both, and will also result in the court suspending your privilege to drive for a period of three years.

If it is found that you unreasonably refused to consent to a breath test or blood test, that finding may be admitted as evidence in a criminal trial for a violation of §§ 18.2-51.4, 18.2-266, 18.2-266.1 or 18.2-272 (B) or similar ordinance for the purpose of explaining the absence at trial of a chemical test of such sample or for the purpose of rebuttal. When admitted in a criminal trial for a violation of §§ 18.2-51.4, 18.2-266, 18.2-266.1 or 18.2-272 (B) or similar ordinance this evidence will not be considered as evidence of your guilt.

DECLARATION AND ACKNOWLEDGMENT OF ARRESTING OFFICER

I, _____, an arresting officer in the City/County/Town of
NAME

_____, Virginia, do hereby certify that I have read this form to

_____, who has been arrested pursuant to Virginia
PERSON ARRESTED
Code §§ 18.2-51.4, 18.2-266, 18.2-266.1, or 18.2-272 (B), or a similar ordinance, and who, after having this form read to him has refused to permit the taking of a [] breath sample and/or [] blood sample.

[] The person arrested has been convicted of _____ violation(s) of §§ 18.2-266, 18.2-268.3, or any
NUMBER OF CONVICTIONS
offense described in 18.2-270 (E) within the last 10 years.

DATE

SIGNATURE OF ARRESTING OFFICER

The arresting officer acknowledged under oath before me that he or she had read this form to the person named above.

DATE

MAGISTRATE

**CERTIFICATE OF REFUSAL – BREATH/BLOOD TEST
(WATERCRAFT OR MOTORBOATS)**

CERTIFICATE OF REFUSAL — BREATH/BLOOD TEST (WATERCRAFT OR MOTORBOATS)

Commonwealth of Virginia Va. Code § 29.1-738.2

DECLARATION OF REFUSAL TO PERMIT TAKING OF BREATH AND/OR BLOOD SAMPLE

The Code of Virginia provides that if you operate a watercraft or motorboat which is underway upon the waters of this Commonwealth and (i) you are arrested for operating a watercraft or motorboat while under the influence of alcohol, intoxicants or drugs or any combination thereof or while you have a blood alcohol concentration of 0.08% or more by weight by volume or 0.08 grams or more per 210 liters of breath, if arrested within three hours of the alleged offense, or (ii) you are under 21 and you are arrested for operating a motorboat or watercraft after having consumed alcohol, you shall be deemed to have agreed, as a condition of such operation, to consent to have a sample of blood or breath or both blood and breath taken for chemical testing to determine the alcohol and/or drug content of your blood. You shall submit to a breath test. However, if the breath test is unavailable or you are physically unable to submit to the breath test, a blood test shall be given. If the arresting officer has reasonable cause to believe that you were operating a watercraft or motorboat under the influence of drugs or a combination of drugs and alcohol, you may be required to allow the taking of a blood sample for chemical testing to determine the drug content of your blood, even if a breath sample was previously provided. If you refuse to permit the taking of a sample, and your refusal is unreasonable, your refusal constitutes a separate offense and will, upon the conviction of the offense, result in an order for you not to operate a watercraft or motorboat in Virginia for a period of twelve months for the first offense and 24 months for subsequent offenses of refusal within five years of a previous refusal.

DECLARATION OF REFUSAL

Having read the above statement and having been advised by the arresting officer and the committing magistrate of the law requiring that I permit the taking of a breath sample and/or a blood sample when required, and of the penalty for unreasonably refusing to permit such sample to be taken, I refuse to permit the taking of the breath sample and/or blood sample and herewith make this declaration of refusal as prescribed by law.

PERSON REFUSING

WITNESS

DATE

CERTIFICATE OF COMMITTING MAGISTRATE

(To be executed by the committing magistrate only if the person before him or her refuses to permit the taking of a breath and/or blood sample and further refuses to execute the declaration of refusal.)

I, _____, a magistrate in the City/County of _____

NAME

_____, Virginia, do hereby certify that I advised

LOCALITY

_____ who has been brought before

PERSON REFUSING

me pursuant to Virginia Code § 29.1-738.2 or a similar local ordinance and who has refused to permit the taking of a breath and/or blood sample, that his or her refusal to permit such sample to be taken, if found to be unreasonable, constitutes a separate offense that will result in an order not to operate a motorboat or watercraft if found to have committed the offense.

I do hereby certify that the person refusing named above refused or failed to execute the declaration of refusal inscribed on this document.

DATE

SIGNATURE OF MAGISTRATE



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF CRIMINAL JUSTICE SERVICES
DIVISION OF FORENSIC SCIENCE

CERTIFICATE OF BLOOD ALCOHOL ANALYSIS
AS DETERMINED BY A CHEMICAL TEST OF THE ACCUSED'S BREATH

| | |
|-----------------|---------------|
| NAME OF ACCUSED | NAME OF COURT |
|-----------------|---------------|

BREATH ANALYSIS

| | | |
|---------------------------------------|-----------------|--|
| SAMPLE EXAMINED AND TEST CONDUCTED BY | | AGENCY |
| DFS LICENSE NUMBER | LICENSE EXPIRES | DATE TEST CONDUCTED |
| TEST EQUIPMENT NUMBER | | WAS TESTED AND FOUND TO BE ACCURATE BY THE DIVISION OF FORENSIC SCIENCE ON |

RESULTS: TIME SAMPLE TAKEN _____

SAMPLE'S ALCOHOL CONTENT _____ GRAMS PER 210 LITERS OF BREATH

ATTEST:

I CERTIFY THAT THE ABOVE IS AN ACCURATE RECORD OF THE TEST CONDUCTED; THAT THE TEST WAS CONDUCTED WITH THE TYPE OF EQUIPMENT AND IN ACCORDANCE WITH THE METHODS APPROVED BY THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES, DIVISION OF FORENSIC SCIENCE; THAT THE TEST WAS CONDUCTED IN ACCORDANCE WITH THE DIVISION'S SPECIFICATIONS; THAT THE EQUIPMENT ON WHICH THE BREATH TEST WAS CONDUCTED HAS BEEN TESTED WITHIN THE PAST SIX MONTHS AND FOUND TO BE ACCURATE; THAT PRIOR TO ADMINISTRATION OF THE TEST THE ACCUSED WAS ADVISED OF HIS RIGHT TO OBSERVE THE PROCESS AND SEE THE BLOOD ALCOHOL READING ON THE EQUIPMENT USED TO PERFORM THE BREATH TEST, AND THAT I POSSESS A VALID LICENSE TO CONDUCT SUCH TEST, GIVEN UNDER MY HAND THIS _____ DAY OF _____, 20_____.

BREATH TEST OPERATOR

Division of Forensic Science

Request for Laboratory Examination

Investigating Officer: _____

Telephone #: () _____

Agency and Address: _____

Agency Case Number: _____

Check if there has been a previous submission in this case ☐

FS Lab # _____

For DFS use only

If Available, previous FS #: _____

Names of Victims (Last, first, mid): _____

DOB _____ Race _____ Sex _____

Names of Suspects (Last, first, mid): _____

DOB _____ Race _____ Sex _____

Date and Type of Offense: _____

Court Date: _____

Examinations Requested: _____

Jurisdiction of Offense: _____

Brief Statement of Fact: _____

Specify manner of return of evidence: Mail _____ Personal Pick-up _____

This evidence is being submitted in connection with a criminal investigation and has not been examined by another laboratory.

Evidence Submitted: (Itemize and describe) _____

For Laboratory use only

Submitting Officer (Print) _____

(Sign.) _____ Date _____

Received by (Sign.) _____ Date _____

Relinquished by (Sign.) _____ Date _____

Received by (Sign.) _____ Date _____

Relinquished by (Sign.) _____ Date _____

Received by (Sign.) _____ Date _____

Relinquished by (Sign.) _____ Date _____

Received by (Sign.) _____ Date _____

NORFOLK POLICE DEPARTMENT
DUI Forms Check-Off List

Accused: _____

- ☐ PD 664 D.U.I. Arrest Report
 ☐ Audio/Visual evidence submitted with arrest report
- ☐ Accident
 ☐ FR 300 Vehicle Crash Report – (Damage over \$1000.00 or injury)
 ☐ PD 621A/B Crash Exchange Sheet
 ☐ Non-Reportable Crash (Under \$1000.00 and no injury)
- ☐ PD 539 Special Incident Report
- ☐ PD 924 Vehicle Tow / Impound Record
- ☐ PD 18 Arrest/Detention Worksheet
- ☐ Test
 ☐ Breathalyzer
 ☐ Certificate attached to warrant for court for adults (juvenile – deliver to JDR Court *)
 ☐ Blood Sample
 ☐ Refused Test
 ☐ DC 233 Acknowledgement/Declaration of Refusal - Blood/Breath Test (for Motor Vehicle)
- ☐ DC 311 Criminal Complaint Form
- ☐ Virginia Uniform Summons (VUS) - write "Arrested" for adult / issue to juvenile
 ☐ PD 934 Warrant Information Supplement attached
- ☐ Subpoena Request for Witnesses
- ☐ Warrant(s) issued by the magistrate
 ☐ DUI
 ☐ Refusal
 ☐ Other: _____
- ☐ DC 201 Notice of Administrative Suspension of Driver's License/Driving Privilege
 ☐ Suspension time begins when the Magistrate issues the warrant (VUS for juvenile)
 ☐ No Administrative Suspension when blood test is performed as the sole chemical test.
- ☐ DUI Teletype Notification of Administrative Suspension form completed
 ☐ Delivered to Central Records Division within 1 hour of the arrest warrant by:
 ☐ Hand ☐ Called In (664-7070) ☐ Faxed (664-7088)
- ☐ DUI / BUI Reimbursement form completed
- ☐ Incident Report if required for other offenses (**NOT** required for non-felony DUI offenses)
- ☐ Case Report for Felony Offenses (IE: 2nd Offense Habitual Offender, 3rd Offense D.U.I., or Felony Evasion)

Officer: _____

✓ Forms which should be completed on all DUI charges.

* Certificate of Analysis must be delivered to the court at least seven (7) days before the court date for Juveniles.

Request for Sargent's Material

Date of request: _____

Requesting Officer: _____

Control Number _____

Command: _____

The below listed individual has been charged with an offense within the City of Norfolk and is eligible to receive enhanced punishment due to previous convictions for the same offense. Therefore, the certified court record(s) for the previous convictions is/are requested.

Defendant: _____

DOB _____

SSN _____

O/L # _____ O/L State _____

Offense(s) Charged: _____

Court Date: _____

Submit this form to Central Records Division by no later than the working day following the arrest.

Norfolk Police Department Vehicle Tow/Impound Record

| | | | |
|---|---|---|---|
| <input type="checkbox"/> ACCIDENT | <input type="checkbox"/> TRAFFIC HAZARD | <input type="checkbox"/> PRISONERS VEHICLE | <input type="checkbox"/> STOLEN OR |
| <input type="checkbox"/> IMPOUNDMENT | <input type="checkbox"/> 362-301 (Code) | <input type="checkbox"/> 362-301 (See Reverse Side) | <input type="checkbox"/> HIT & RUN |
| <input type="checkbox"/> 362-301 (See Reverse Side) | <input type="checkbox"/> 362-301 (See Reverse Side) | <input type="checkbox"/> 362-301 (See Reverse Side) | <input type="checkbox"/> 362-301 (See Reverse Side) |

* Tow Authorized by: _____ PROCESS (Authorized By) _____

OWNER/OPERATOR INFORMATION

Operator Name: _____ Address: _____
 Owner Name: _____ Address: _____
 Owner Notified: Yes ☐ No ☐ By Whom: _____ Date: _____ Time: _____
 Released to Owner: Yes ☐ No ☐ By Whom: _____ Date: _____ Time: _____

Recovery/Tow Date: _____ Time: _____ Location: _____
 Towing Service Name: _____ Address: _____
 Next on List: Yes ☐ No ☐; Owner Request: Yes ☐ No ☐; Contract Wrecker: Yes ☐ No ☐; Subject Refused ☐; Cannot Decide ☐
 Owner Signature: (if needed/available) _____ Date: _____ Time: _____

VEHICLE INFORMATION

Year: _____ Make: _____ Model: _____ Type: _____ Color: _____
 Lic. Number: _____ Yr/State: _____ VIN: _____

Points of Damage

1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10. ☐

VEHICLE PARTS

| | | |
|---|---|---|
| Doors Locked <input type="checkbox"/> YES <input type="checkbox"/> NO | Keys <input type="checkbox"/> YES <input type="checkbox"/> NO | Stereo/Tapes <input type="checkbox"/> YES <input type="checkbox"/> NO |
| Radio <input type="checkbox"/> YES <input type="checkbox"/> NO | Radiator <input type="checkbox"/> YES <input type="checkbox"/> NO | Engine <input type="checkbox"/> YES <input type="checkbox"/> NO |
| Battery <input type="checkbox"/> YES <input type="checkbox"/> NO | Manifold <input type="checkbox"/> YES <input type="checkbox"/> NO | Transmission <input type="checkbox"/> YES <input type="checkbox"/> NO |
| # Wheels _____ | # Hubcaps _____ | |

Additional Information (If Needed): _____

Wrecker Driver Signature: (if needed) _____

INVENTORY OF PROPERTY

Itemized inventory of items remaining in vehicle:

Vouchered property sent to Property & Evidence

1. _____
2. _____
3. _____
4. _____
5. _____

1. _____
2. _____
3. _____
4. _____
5. _____

G.O. OPR-320 DUI

Attachment G - Page 1 of 2

04/05/06

Officer: _____ Control #: _____ Division: _____

REV. 9/96

White-Original / Canary-Vehicle Operator / Pink-Command / Gold-Officer

USED BY ALL COMMANDS

INSTRUCTIONS

1. **Administrative Impoundment:**

Check impoundment block and complete form. *White* - delivered to the magistrate's office and forwarded to Clerk, General District Court; *Canary Copy* - to vehicle operator; *Pink Copy* - to wrecker driver; *Gold Copy* - to officer

2. **Stolen Vehicle Recovery**

Check stolen block and fill in ORI and OCA. Complete all remaining appropriate blocks. *White* - remains with vehicle; *Canary Copy* - submitted to auto section; *Pink Copy* - submitted to your command; *Gold Copy* - to officer.

3. **Vehicle Tow**

a. Personnel will not recommend a wrecker or select an option for driver. Vehicles towed to the compound will be inventoried in accordance with this order.

b. Options: (read to operator who will sign front of form)

- ☐ To have vehicle towed by the next wrecker of my choice. I understand that if this company is not on the Police Wrecker List the police have no control on the amount this company can charge for this service.
- ☐ To have vehicle towed by the next wrecker on the Police Wrecker List. It is my understanding that a maximum fee can be charged for intra-city tows.
- ☐ To leave vehicle legally parked at the present location. I understand that the City of Norfolk does not assume any responsibility for my vehicle.
- ☐ To leave vehicle in the care of a responsible licensed driver present at the scene of arrest.
- ☐ To have vehicle towed by the City of Norfolk's Towing Contractor at my expense. The cost of the tow is regulated by the City of Norfolk. I may pay towing fees and obtain my vehicle at the City of Norfolk Towing Contractor's Office, trailer located in the rear of 975 Goff St., Norfolk, Virginia. This office is open 24 hours a day. A storage fee commences after 24 hours.
- ☐ Subject refused ____ or unable ____ to indicate a selection. Subject's vehicle will be towed by the City of Norfolk's Towing Contractor at his/her expense.

JUDICIAL REVIEW OF IMPOUNDMENT/IMMOBILIZATION

Any driver who is the owner of the motor vehicle that is impounded or immobilized may, during the period of impoundment, petition the General District Court of the jurisdiction in which the arrest was made to review the impoundment. If the person proves to the court by a preponderance of the evidence that the arresting law enforcement officer did not have probable cause for the arrest, or that the magistrate did not have probable cause to issue the warrant, the court will rescind the impoundment. Upon recession, the motor vehicle shall be released and the Commonwealth shall pay or reimburse the person for all reasonable costs paid or incurred. If the person requesting review fails to appear without just cause, that person's right to review shall be waived.

The owner or co-owner of any motor vehicle impounded or immobilized who was not the driver at the time of the violation, may petition the General District Court in the jurisdiction where the violation occurred for the release of the motor vehicle. The motor vehicle shall be released if the owner or co-owner proves by a preponderance of the evidence that he/she (1) did not know that the offender's driver's license was suspended or revoked when he/she authorized the offender to drive such motor vehicle or (2) did not consent to the operation of the motor vehicle and will suffer a substantial hardship if that motor vehicle is impounded or immobilized for 30 days, the court, in its discretion, may release the vehicle after some period of less than 30 days.

For Court use only:

The vehicle described on the reverse side has been impounded for _____ days pursuant to § 46.2-301.1

Notice is hereby given that the Clerk of the Norfolk General District Court notified the named defender on _____ of the location where the described vehicle is impounded and the vehicle will be release on _____, which notice is given at least five (5) days prior to the expiration of the period of impoundment.

Notification made by: _____

CRIMINAL COMPLAINT
Commonwealth of Virginia

RULES 3A:3 AND 7C:3

Print ALL information clearly:

.....
CITY OR COUNTY

☐ General District Court

☐ Juvenile and Domestic Relations District Court

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

....., in the ☐ City ☐ County ☐ Town

DATE OFFENSE OCCURRED

of

I base my belief on the following facts:

.....
.....
.....
.....
.....
.....
.....

The statements above are true and accurate to the best of my knowledge and belief.

- In making this complaint, I have read and fully understand the following:
- By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.
 - The charge in this warrant cannot be dismissed except by the court, even at my request.

NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)
(PRINT CLEARLY)

SIGNATURE OF COMPLAINANT

Subscribed and sworn to before me this day.

DATE AND TIME

☐ CLERK ☐ MAGISTRATE ☐ JUDGE

CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

.....
LAST NAME, FIRST NAME, MIDDLE NAME

COMPLETE DATA BELOW IF KNOWN

| | | | | | | | | | |
|------|-----|-----|----------|-----|-----|-----|------|------|------|
| RACE | SEX | MO. | BORN DAY | YR. | FT. | IN. | WGT. | EYES | HAIR |
| | | | | | | | | | |

SSN

NOTICE OF ADMINISTRATIVE SUSPENSION OF DRIVER'S LICENSE/DRIVING PRIVILEGE

Commonwealth of Virginia Va. Code §§ 46.2-391.2

Case No. :

- ☐ Juvenile and Domestic Relations District Court
☐ General District Court

04/05/06

ADDRESS

NAME: LAST FIRST MIDDLE SOCIAL SECURITY NUMBER DATE OF BIRTH ☐ Male ☐ Female

RESIDENCE ADDRESS

Mailing Address: ☐ Same as above
☐ Change from D.L.

Driver's License surrendered pursuant to Virginia Code § 46.2-391.2: ☐ yes ☐ no CITY/TOWN STATE ZIP
P.O. BOX/STREET CITY/TOWN STATE ZIP
DRIVER'S LICENSE NO. STATE OF LICENSE

☐ Virginia license otherwise suspended or revoked.

YOU ARE HEREBY NOTIFIED THAT YOUR PRIVILEGE TO DRIVE IN VIRGINIA IS SUSPENDED, AND ANY DRIVER'S LICENSE ISSUED TO YOU BY THE COMMONWEALTH OF VIRGINIA IS ALSO HEREBY SUSPENDED, FOR A PERIOD OF:

☐ SEVEN DAYS (CHARGED WITH A FIRST OFFENSE) ☐ 60 DAYS, OR DATE OF TRIAL, WHICHEVER OCCURS FIRST (CHARGED WITH A SECOND OFFENSE), OR
☐ UNTIL DATE OF TRIAL (CHARGED WITH A THIRD OFFENSE),

FROM THE DATE AND TIME STATED BELOW, PURSUANT TO VIRGINIA CODE § 46.2-391.2, BECAUSE:

☐ You have submitted to a breath test pursuant to Virginia Code § 18.2-268.2, or a similar local ordinance, and either
☐ the results show a blood alcohol content of 0.08 percent or more by weight by volume or 0.08 grams or more per 210 liters of breath, which has led to the issuance of a petition, summons or warrant against you for a violation of Virginia Code §§ 18.2-51.4, 18.2-266 or a similar local ordinance, or

☐ you are under 21 years of age, and the results show a blood alcohol concentration of 0.02 percent or more by weight by volume or 0.02 grams or more per 210 liters of breath, which has led to the issuance of a petition, summons or warrant against you for a violation of Virginia Code § 18.2-266.1 or a similar local ordinance, or
☐ A petition, summons or warrant has been issued against you because of your refusal to submit to a breath test in violation of Virginia Code § 18.2-268.3, or a similar local ordinance.

You must surrender any driver's license you hold issued by the Commonwealth of Virginia to the arresting officer, who will deliver it to the magistrate, who will forward it to the clerk of the Court for the City/County noted at the top of this form.

The clerk of the Court will return your license to you at the end of the suspension period or the first day thereafter that is not a weekend or holiday, unless your license is otherwise suspended or revoked. You may pick up your license at the clerk's office at the end of the suspension period or you may make arrangements to have the clerk mail your license to you. (See reverse side.)

You may request that the Court named above review the suspension. In order to do so, you must file with the clerk of the above identified court a MOTION FOR REVIEW OF ADMINISTRATIVE SUSPENSION OF DRIVER'S LICENSE/DRIVING PRIVILEGE on a form available at the clerk's office. The court is authorized to rescind the suspension only if you prove by a preponderance of the evidence that there was no probable cause for the arrest or that the magistrate did not have probable cause to issue the warrant or that there was no probable cause for the issuance of the petition. The court may reduce the period of suspension only if it finds that there was no probable cause to charge a second, third or subsequent offense.

Executed by serving a copy of this Notice of Administrative Suspension on the above-identified driver, in person, on this date and time.

☐ a.m. ☐ p.m.

DATE AND TIME

SIGNATURE OF ARRESTING OFFICER

NAME OF ARRESTING OFFICER

BADGE NO.

AGENCY

**NORFOLK POLICE DEPARTMENT
DUI/BUI REIMBURSEMENT FORM**

I. General (To be completed by arresting officer)

Incident Date: _____ Time: Starting _____ Clearing _____ CADS#: _____

Accident: ☐ Yes ☐ No Incident Location: _____

Arresting Officer's Name: _____ Control #: _____

Defendant's Name: (L/F/Mi.) _____

Race: _____ Sex: _____ D.O.B: _____ SSN/OLN: _____

Address: _____

STREET

CITY

STATE

ZIP

TELEPHONE

II. Cost

| PERSONNEL | | |
|-----------|-----------|------------|
| Name | Control # | TOTAL TIME |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

| VEHICLES | | |
|-----------------|--------|------------|
| Type of Vehicle | Unit # | TOTAL TIME |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

III. Court Information

General District Court (to be completed by arresting officer)

Trial Date: _____ Dismissal: ☐ Yes ☐ No (if dismissed form to C.R.D.)Conviction of D.U.I. / B.U.I: ☐ Yes ☐ No Date: _____ Appeal: ☐ Yes ☐ No

(If appeal filed forward form to City Attorney's Office with Case Report, if not appealed, forward form to C.R.D.)

Circuit Court (to be complete by City Attorney's Office)

Trial Date: _____ Dismissal: ☐ Yes ☐ No (if dismissed, forward form to C.R.D.)Conviction of D.U.I./B.U.I: ☐ Yes ☐ No Date: _____Appeal to the Virginia Court of Appeals: ☐ Yes ☐ No (If yes, monitor appeal, If no, Forward form to C.R.D.)

Final Closing Date: _____